

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:	
THE COMPLAINT OF CAROLYN FRAHM	DOCKET NO. FCU-2013-0007

**ORDER GRANTING MOTION FOR CONFIDENTIAL TREATMENT  
FILED NOVEMBER 24, 2014**

(Issued July 1, 2016)

On November 13, 2014, the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, filed with the Utilities Board (Board) a report (Report) in this proceeding detailing what it learned from an investigation of issues relating to call completion problems experienced by consumers in rural areas of Iowa. OCA also filed discovery response exhibits, including exhibits containing responses from MCI Communications Services, Inc., d/b/a Verizon Business Services (Verizon). OCA filed public and confidential versions of its Report and exhibits. Certain portions of the Report refer to the data request responses Verizon provided to OCA. OCA redacted from the public version of the report the information designated as confidential by Verizon.

On November 24, 2014, pursuant to Board rule 1.9(6), Verizon filed a motion for confidential treatment of certain exhibits pertaining to Verizon and those portions of OCA's confidential Report which refer to the exhibits, which include Verizon's response to OCA's data requests. Verizon seeks confidential treatment of the

confidential attachment to OCA Ex. V-17 Confidential, OCA Ex. V-18 Confidential, and OCA Ex. V-19 Confidential.

OCA data request number 17 asked Verizon to produce “documentation of communications between Windstream and Verizon regarding the movement of Ms. Frahm’s telephone number to Windstream’s network.” According to Verizon, its response to the request in OCA Ex. V-17 is confidential because it includes customer-specific information which is customer proprietary network information protected from disclosure by 47 U.S.C. § 222.

OCA data request number 18 asked Verizon to identify the “theoretical primary route and the sequence of theoretical alternate routes” in place for calls from Ms. Frahm’s telephone number to a number she attempted to call on a certain date and as of the date of the response to the data request. Verizon contends its response to this request in OCA Ex. V-18 is confidential because it contains competitively sensitive information regarding vendors of wholesale services used by Verizon and Verizon’s prioritization of its use of those vendors.

OCA data request number 19 asked Verizon to explain its record retention policies with respect to the actual routes of calls placed on Verizon’s network from and to points in Iowa. Verizon explains that its response to this request included in OCA Ex. V-19 is confidential because it contains competitively sensitive information about Verizon’s document retention policies.

Verizon contends that the information contained in OCA Ex. V-18 and OCA Ex. V-19 derives independent economic value from not being generally known to and not readily ascertainable by proper means by competitors of Verizon that are able to obtain economic value from its disclosure. Verizon states that it does not disclose the information publicly and limits its availability to only those employees with a need to know the information to perform their job duties.

Verizon contends the information should be withheld from public disclosure under Iowa Code § 22.7(3) as trade secret information or § 22.7(6) as a report to a governmental agency which, if released, would give advantage to competitors and serve no public purpose. In support of the motion, Verizon attaches the affidavit of Robert Mutzenback, Verizon's Vice-President – Taxes, in which Mr. Mutzenback attests to the facts recited in the motion. OCA did not resist Verizon's motion.

Based on Verizon's motion and affidavit, the Board finds that the information filed by OCA on November 13, 2014, which includes Verizon's confidential responses to data requests, is a report to a governmental agency, the release of which would give advantage to Verizon's competitors and serve no public purpose, making a prima facie case for granting the request for confidential treatment. The Board will hold the information in the three exhibits confidential pursuant to Iowa Code § 22.7(6). Because the Board is granting Verizon's motion pursuant to Iowa Code § 22.7(6), the Board need not address the assertion that the information is also entitled to confidential treatment pursuant to Iowa Code § 22.7(3) as a trade secret.

**IT IS THEREFORE ORDERED:**

1. The request for confidential treatment filed by MCI Communications Services, Inc., d/b/a Verizon Business Services, on November 24, 2014, is granted as described in the body of this order.

2. The information shall be held confidential by the Board subject to the provisions of 199 IAC 1.9(8)(b)(3).

**UTILITIES BOARD**

/s/ Geri D. Huser

ATTEST:

/s/ Trisha M. Quijano  
Executive Secretary, Designee

/s/ Nick Wagner

Dated at Des Moines, Iowa, this 1<sup>st</sup> day of July 2016.